

## REMARKS

The last Office Action of August 24, 2005 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-14 are pending in the application. Claims 1, 4-14 have been amended. Claims 2 and 3 have been canceled. A total of 12 claims is now on file. Amendments to the specification and drawing have been made. No fee is due.

It is noted that the drawings are objected to because of applicant's failure to show every feature set forth in the claims and because of applicant's failure to indicate reference sign "24". A new drawing sheet is submitted and labeled "New Sheet" to show the output journal of the drive motor. In addition, a new drawing sheet is submitted and labeled "Replacement Sheet" to show the reference sign "24".

It is further noted that claims 2, 3 and 14 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Claims 8 and 12 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 4-8, and 11-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,577,034 to Kitamura et al. in view of U.S. Pat. No. 4,631,453 to Drescher et al..

Claims 2 and 3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kitamura et al. in view of Drescher et al., and further in view of U.S. Pat. No. 5,704,460 to Leimbach.

Claims 9 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kitamura et al. in view of Drescher et al., and further in view of U.S. Pat. No. 4,844,120 to Myers.

## **OBJECTION TO THE DRAWING**

Applicant submits herewith new Figs. 5 and 6 to show the output journal, labeled with reference sign "17b", of the drive motor. The specification has been amended to make it consistent with the amendments to the drawing. No new matter has been added. Support for the submission of Figs. 5 and 6 can be found in paragraphs [0010] and [0026] of the instant specification, which relate to the provision of an involute gear tooth system with three teeth. Please note however that applicant has amended paragraphs [0010] and [0026] to set forth the provision of an "evoloid" gear tooth system to correctly reflect the German term "Evoluid-Verzahnung", as used in PCT International application no. PCT/EP02/03837, filed April 6, 2002, on which priority is claimed under 35 U.S.C. §120 and the disclosure of which has been incorporated by reference (see paragraph [0001] of the instant specification). Please note also that although an evoloid toothing is a special variant of an involute toothing, its construction allows implementation of much higher gear ratios.

In addition, to provide consistency in language between original claim 3 and paragraph [0010] on one hand, and paragraph [0026] on the other hand, reference is made to an --output journal-- rather than "output member".

In addition, applicant has amended Fig. 2 to include the reference sign "24" for the attachment flange, as described in paragraph [0028] of the instant specification.

Withdrawal of the objection to the drawing is thus respectfully requested.

## **REJECTION OF CLAIMS 2, 3, 14 UNDER 35 U.S.C. §112, FIRST PARAGRAPH**

Claim 2 has been canceled so the rejection with respect to claim 2 is moot..

The Examiner's rejection of claim 14 is confusing because no "attachment flange" is recited in claim 14. Applicant assumed, however, that the Examiner intended to refer to claim 13. As noted under the previous heading, Fig. 2 has

been amended to label the "attachment flange". This change is self-explanatory and addresses the concern by the Examiner.

With respect to the subject matter of claim 3, now incorporated in claim 1, applicant refers to newly submitted Figs. 5 and 6 which clearly show the interaction between the output journal in the form of an evoloid toothing and the helical gear wheel. Thus, no further discussion is believed to be necessary.

Withdrawal of the rejection under 35 U.S.C. §112, first paragraph is thus respectfully requested.

#### **REJECTION OF CLAIMS 8, 12 UNDER 35 U.S.C. §112, SECOND PARAGRAPH**

Applicant has amended claims 8 and 12 to address the §112, 2<sup>nd</sup> para. rejection. These changes are self-explanatory and cosmetic in nature and should not be considered as a narrowing amendment to trigger prosecution history estoppel.

Withdrawal of the rejection under 35 U.S.C. §112, second paragraph is thus respectfully requested.

#### **REJECTION UNDER 35 U.S.C. §103(a)**

In view of the Examiner's grounds for rejection, applicant has amended original claim 1 by incorporating the subject matter of claim 3 and setting forth the provision of the output journal constructed to have three evoloid teeth. Claims 2 and 3 have been canceled.

Applicant respectfully disagrees with the Examiner's rejection of original claim 3 as being unpatentable over Kitamura et al. in view of Drescher et al., and further in view of Leimbach, for the following reasons:

The Leimbach reference has been applied in combination with the Kitamura et al. and Drescher et al. references to show the cooperation between a helical spur gear with involute gear teeth and an input gear wheel having three teeth. In

contrast to Leimbach, claim 1 sets forth the cooperation between an output journal with **evoloid** toothing and a helical spur gear. The evoloid toothing is a special variant of an involute toothing and allows the disposition of the three teeth at a slant along the circumference of the helical spur gear in order to realize a significant reduction in the motor rotation speed.

For the reasons set forth above, it is applicant's contention that neither Kitamura et al., nor Drescher et al, nor Leimbach, nor any combination thereof teaches or suggests the features of the present invention, as recited in claim 1.

As for the rejection of the retained dependent claims, these claims depend on claim 1, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of claims 1, 4-14 are thus respectfully requested.

#### **CLARIFICATION AMENDMENT**

Applicant has amended the preamble of claims 4-14, as suggested by the Examiner. The amendments to claims 4-14 are "cosmetic" to conform to non-statutory formal requirements.

#### **CITED REFERENCES**

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the newly submitted claims. It is thus felt that no specific discussion thereof is necessary.

## CONCLUSION

Applicant believes that when reconsidering the claims in the light of the above comments, the Examiner will agree that the invention is in no way properly met or anticipated or even suggested by any of the references however they are considered.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

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## **AMENDMENTS TO THE DRAWINGS WITHOUT MARKINGS**

### **IN THE DRAWING:**

Fig. 2 has been amended.

Figs. 5 and 6 have been added.